

Message Text

UNCLASSIFIED

PAGE 01 STATE 177223

61

ORIGIN PM-07

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01

CIAE-00 H-03 INR-11 L-03 NSAE-00 NSC-07 PA-04 PRS-01

SP-03 SS-20 USIA-15 AID-20 IO-14 MC-02 ACDA-19 OMB-01

TRSE-00 /208 R

DRAFTED BY PM/SAS:DNIEMI:RG

APPROVED BY PM/SAS:JFLADD

L/PM:MR. BOREK (DRAFT)

DOD/DSAA:CAPT.CANTACUZENE (DRAFT)

CNO/OPNAV63:CDR. TEMPLETON (DRAFT

----- 059997

R 132224Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA

AMEMBASSY ANKARA

AMEMBASSY ASUNCION

AMEMBASSY ATHENS

AMEMBASSY BANGKOK

AMEMBASSY BEIRUT

AMEMBASSY BOGOTA

AMEMBASSY BONN

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY CARACAS

AMEMBASSY COLOMBO

AMEMBASSY COPENHAGEN

AMEMBASSY GUATEMALA

AMEMBASSY ISLAMABAD

AMEMBASSY JAKARTA

AMEMBASSY JIDDA

AMEMBASSY KUALA LUMPUR

AMEMBASSY LIMA

AMEMBASSY LISBON

AMEMBASSY MADRID

AMEMBASSY MANAGUA

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 177223

AMEMBASSY MANILA

AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PANAMA
AMEMBASSY PHNOM PENH
AMEMBASSY PORT AU PRINCE
AMEMBASSY PORT LOUIS
AMEMBASSY QUITO
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY SAIGON
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY SEOUL
AMEMBASSY SINGAPORE
AMEMBASSY TAIPEI
AMEMBASSY TEGUCIGALPA
AMEMBASSY TEHRAN
AMEMBASSY TOKYO
AMEMBASSY TUNIS
AMEMBASSY VALLETTA
AMEMBASSY WELLINGTON
CINCPAC
USCINCEUR
USCINCLANT
USCINCSO
INFO CNO
SECDEF

UNCLAS STATE 177223

E.O. 11652: N/A

TAGS: MASS

SUBJECT: BYRD AMENDMENT RESTRICTIONS ON SHIP TRANSFER
PROGRAM

JOINT STATE/DEFENSE MESSAGE

1. SIGNIFICANT NEW STATUTORY RESTRICTIONS ON THE SHIP
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 177223

TRANSFER PROGRAM BECAME EFFECTIVE ON AUGUST 5, 1974,
RESTRICTIONS INTENDED TO ENSURE THAT CONGRESS WILL BE ABLE
TO SUPERVISE CLOSELY ALL FUTURE PROPOSED SHIP TRANSFERS.
THESE NEW LEGAL REQUIREMENTS WILL BE OF INTEREST TO POSTS
IN ALL COUNTRIES WHICH ARE POTENTIAL RECIPIENTS OF VESSELS
AVAILABLE FOR DISPOSAL BY THE U.S. NAVY, WHETHER BY SALE,
LOAN, LEASE, OR GRANT.

2. THE NEW STATUTORY RESTRICTIONS DERIVE FROM AN AMENDMENT PROPOSED BY SENATOR BYRD OF VIRGINIA TO THE FY 1975 MILITARY PROCUREMENT AUTHORIZATION ACT, WHICH WAS SIGNED INTO LAW BY THE PRESIDENT ON AUGUST 5. THE TEXT OF THE AMENDMENT FOLLOWS:

QUOTE: SEC. 702. SUBSECTION (B) OF SECTION 7307 OF TITLE 10, UNITED STATES CODE, IS AMENDED TO READ AS FOLLOWS:

(B)(1) AFTER THE DATE OF ENACTMENT OF THIS PARAGRAPH, NO NAVAL VESSEL IN EXCESS OF 2,000 TONS OR LESS THAN 20 YEARS OF AGE MAY BE SOLD, LEASED, GRANTED, LOANED, BARTERED, TRANSFERRED, OR OTHERWISE DISPOSED OF TO ANOTHER NATION UNLESS THE DISPOSITION THEREOF HAS BEEN APPROVED BY LAW ENACTED AFTER SUCH DATE OF ENACTMENT.

"(2) AFTER THE DATE OF ENACTMENT OF THIS PARAGRAPH, ANY NAVAL VESSEL NOT SUBJECT TO THE PROVISIONS OF PARAGRAPH (1) MAY BE SOLD, LEASED, GRANTED, LOANED, BARTERED, TRANSFERRED, OR OTHERWISE DISPOSED OF TO ANOTHER NATION IN ACCORDANCE WITH APPLICABLE PROVISIONS OF LAW ONLY AFTER THE SECRETARY OF THE NAVY, OR HIS DESIGNEE, HAS NOTIFIED THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES IN WRITING OF THE PROPOSED DISPOSITION AND 30 DAYS OF CONTINUOUS SESSION OF CONGRESS HAVE EXPIRED FOLLOWING THE DATE ON WHICH NOTICE WAS TRANSMITTED TO SUCH COMMITTEES. FOR PURPOSES OF THIS PARAGRAPH, THE CONTINUITY OF A SESSION OF CONGRESS IS BROKEN ONLY BY AN ADJOURNMENT OF THE CONGRESS SINE DIE, AND THE DAYS ON WHICH EITHER HOUSE IS NOT IN SESSION BECAUSE OF AN ADJOURNMENT OF MORE THAN 3 DAYS TO A DAY CERTAIN ARE EXCLUDED IN THE COMPUTATION OF SUCH 30-DAY PERIOD." END QUOTE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 177223

3. 10 USC 7307, WHICH IS CHANGED BY THE BYRD AMENDMENT, DEALS WITH RESTRICTIONS ON THE DISPOSAL OF NAVAL VESSELS. SUBSECTION (A) (UNCHANGED) PROHIBITS THE DISPOSAL OF MAJOR COMBATANTS (BATTLESHIPS, AIRCRAFT CARRIERS, CRUISERS, DESTROYERS, SUBMARINES) UNLESS THE CHIEF OF NAVAL OPERATIONS CERTIFIES THAT THE VESSEL IS NOT ESSENTIAL TO THE DEFENSE OF THE UNITED STATES. THE OLD LANGUAGE OF SUBSECTION (B) REQUIRED CONGRESSIONAL AUTHORIZATION ONLY FOR THE TRANSFER OF MAJOR COMBATANT VESSELS WHICH HAD NOT BEEN STRICKEN FROM THE NAVAL VESSEL REGISTER. THE NEW LANGUAGE IS MUCH MORE SWEEPING IN ITS COVERAGE.

4. YOU WILL NOTE THAT THE NEW SUBSECTION (B) CREATES TWO CATEGORIES OF SHIPS WITH RESPECT TO CONGRESS' ROLE IN

THE SHIP TRANSFER PROGRAM:

(A) APPROVAL BY LAW -- PRIOR APPROVAL BY LAW IS REQUIRED FOR THE TRANSFER TO ANY COUNTRY BY ANY MEANS OF ANY VESSEL WHICH IS EITHER REPEAT EITHER IN EXCESS OF 2,000 TONS OR LESS THAN 20 YEARS OF AGE. THUS, TRANSFER OF A SMALL 18-YEAR OLD CRAFT WOULD REQUIRE PASSAGE OF APPROVING LEGISLATION, AS WOULD THE TRANSFER OF A 2,200 TON DESTROYER OF EARLY WWII VINTAGE. FYI. FOR PURPOSES OF ADMINISTERING THIS LAW, THE NAVY INTENDS TO USE THE WEIGHT AND AGE LISTED IN THE NAVAL VESSEL REGISTER FOR EACH SHIP. END FYI.

(B) NOTIFICATION AND 30 DAYS CONTINUOUS SESSION -- THIS CATEGORY WILL INCLUDE ONLY THOSE VESSELS WHICH ARE BOTH REPEAT BOTH 2,000 TONS OR LESS AND 20 YEARS OR OLDER. IN SOME INSTANCES, 30 DAYS OF CONTINUOUS SESSION WILL AMOUNT TO LITTLE MORE THAN 30 CALENDAR DAYS. HOWEVER, WE CAN EXPECT DELAYS OF UP TO SEVERAL MONTHS IN CASES WHERE CONGRESS IS NOTIFIED OF A PROPOSED TRANSFER SHORTLY BEFORE A PROLONGED ADJOURNMENT. PROCEDURES ARE BEING ESTABLISHED TO MAINTAIN A LOG OF THE TIME ELAPSED SUBSEQUENT TO THE NOTIFICATION TO CONGRESS OF EACH PROPOSED SHIP TRANSFER. WHILE SUBSECTION (B)(2) DOES NOT PROVIDE FOR A CONGRESSIONAL VETO OF A PROPOSED SHIP TRANSFER, SIGNIFICANT OPPOSITION IN THE CONGRESS WOULD OBVIOUSLY UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 177223

NECESSITATE AN ADMINISTRATION REVIEW OF WHETHER TO PROCEED WITH THE CASE IN QUESTION.

5. THE EFFECT OF THE BYRD AMENDMENT WILL BE TO REDUCE THE ADMINISTRATION'S FLEXIBILITY IN ADMINISTERING THE SHIP TRANSFER PROGRAM, PARTICULARLY WITH REGARD TO "HOT SHIP TRANSFERS." WE INTEND TO CONTINUE THE POLICY OF SELLING SHIPS NOW ON LOAN/LEASE STATUS AS EXISTING AGREEMENTS EXPIRE. THE BYRD AMENDMENT IS NOT EXPECTED TO AFFECT THE SUBSTANCE OF THIS POLICY, BUT WILL REQUIRE PLANNING FOR SUCH SALES TO BEGIN WELL IN ADVANCE OF THE ANTICIPATED SALE DATE. KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIPS, MILITARY PROCUREMENT, SURPLUS MILITARY EQUIPMENT SALES, NAVAL SHIPS, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE177223
Document Source: CORE
Document Unique ID: 00
Drafter: DNIEMI:RG
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740222-0965
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740850/aaaabrar.tel
Line Count: 213
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 08 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 JUL 2002 by reddocgw>; APPROVED <23 JAN 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BYRD AMENDMENT RESTRICTIONS ON SHIP TRANSFER PROGRAM
TAGS: MASS, US, (BYNES, LARRY J), (BYRD, HARRY F)
To: ADDIS ABABA MULTIPLE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005